



MISSOURI DEPARTMENT OF MENTAL HEALTH

DORN SCHUFFMAN, DEPARTMENT DIRECTOR



DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
6.510

CHAPTER Human Resources	SUBCHAPTER Employee Processing	EFFECTIVE DATE 7/1/2002	NUMBER OF PAGES 4	PAGE NUMBER 1 of 4
SUBJECT Screening Employee and Volunteers		AUTHORITY Sections 630.050, 630.170	HISTORY See Below	
PERSON RESPONSIBLE Deputy Director, Human Resources			SUNSET DATE 7/1/2004	

PURPOSE: Prescribes policy for screening applicants and employees and volunteers convicted of crimes or identified on various abuse registries to protect department clients and operations.

APPLICATION: Applies to the entire department.

(1) All applicants for employment or volunteer service in the department shall answer the question on the employment application "Have you ever been convicted of any law violation other than minor traffic violations?" Appointing authorities shall refuse to hire employees who refuse to answer this question. Appointing authorities may dismiss during their probationary periods any employees or volunteers who answer the conviction question "no," but security checks indicate convictions.

(2) Each department facility shall have individual employees and volunteers (who provide continued service to clients or the facility) fingerprinted during employment processing.

(A) Facility staff shall type names and physical descriptions of new employees or volunteers on fingerprint cards and forward them for processing to the Missouri Highway Patrol, Criminal Records Section, P.O. Box 568, Jefferson City, MO 65102.

(B) If the employee or volunteer has a record of convictions in Missouri, the head of the facility shall request from the Highway Patrol a summary of the record.

(C) The head of the facility may request to have an employee's or volunteer's prints checked by the Federal Bureau of Investigations.

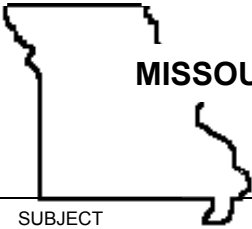
(D) The facilities may obtain fingerprint cards and envelopes from the nearest troop station of the highway patrol.

(E) Facility staff may be trained by other personnel of the facility or another department facility. At least two employees per facility should be trained to take fingerprints.

(3) Sponsored group volunteers participating (e.g., civic club sponsored Christmas party), or short term programs (e.g., Special Olympics or student service projects) are exempted from the screening requirements of this DOR.

(4) The facilities shall require applicants for employment/volunteer to sign the Authorizations For Release of Information by Law Enforcement Agencies (DMH Form 8150).

(5) Each department facility shall have employees/volunteers providing services to and coming in contact with clients to complete an Application for Record Review form, MO 886-0781, which shall be submitted to the facility personnel officer for review as to completion. After the form is completed and signed by the designated facility representative, the form shall be mailed to the Division of Family Services, C.R.S.U.,



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P.O. Box 88, Jefferson City, Missouri 65102. If there is a match with the Family Services records, the facility representative shall notify the Department Personnel Officer.

(A) The department personnel officer will contact the facility personnel officer on each positive match. The facility personnel officer will personally contact the employee or volunteer concerned and notify the facility head and volunteer services coordinator.

(B) The employee or volunteer will be responsible for supplying to the facility personnel officer a copy of the report on file at the Family Services office detailing the incident recorded on any match within a reasonable period of time. The facility head shall place the employee on administrative leave with pay or place the employee/volunteer in a non-client contact position pending further investigation of the facts of the match if the facility head believes that the safety of the clients might be endangered. The volunteer services director, the personnel officer, and the facility head shall review the incident recorded for volunteers to make a decision regarding further action (e.g., reassignment or termination of the volunteer based on the details of the incident).

(C) Facility officials shall consult with the designated Assistant Attorney General to review every case and discuss appropriate action. The head of the facility shall take appropriate action and give notice to the employee with supportive justification.

(6) In accordance with the section 198.070.14, RSMo, heads of facilities shall not knowingly employ any person or select any volunteer who has been determined to have knowingly abused or neglected a resident and whose name is listed in the records maintained pursuant to Section 198.070.12, RSMo.

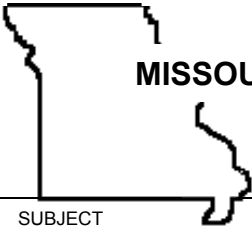
(A) The facility personnel officer shall check the list provided by the Division of Aging to review the names of persons who have been determined by the Department of Social Services to have knowingly abused or neglected any resident while employed in any long term care facility licensed pursuant to Sections 198.003 to 198.096, RSMo.

(B) Any matches shall be processed as set out in section (5).

(7) If the employee refuses to furnish any relevant requested information, the employee shall be dismissed for insubordination (i.e., after being ordered and then refusing to answer questions or to provide statements in an investigation). Volunteers refusing to furnish the requested information will not be accepted into a volunteer assignment with the facility. The volunteer will be notified of this requirement and the consequences of non-compliance (i.e., inability to volunteer). The employee shall be given a written directive to complete the requested form prior to dismissal action.

(8) For new employees hired or volunteers selected on or after the effective date of this DOR as set out in section 630.170, RSMo, appointing authorities shall refuse to hire applicants or transfer and reappoint employees and volunteers from client-care or contact classifications after convictions for any felony offense as follows:

- Capital murder, section 565.001, RSMo;
- First degree murder, section 565.003;
- Murder in the second degree, section 565.004;
- Manslaughter, section 565.005;
- Manslaughter--assisting in self-murder, section 565.021;



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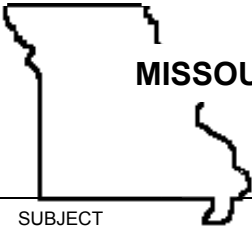
Manslaughter--unborn quick child, section 565.026;
Assault in the first degree, section 565.050;
Assault in the second degree, section 565.060;
Kidnapping, section 565.110;
Felonious restraint, section 565.120;
False imprisonment, section 565.130;
Interference with custody, section 565.150;
Rape, section 566.030;
Sexual assault in the first degree, section 566.040;
Sexual assault in the second degree, section 566.050;
Sodomy, section 566.060;
Deviate sexual assault in the first degree, section 566.070;
Deviate sexual assault in the second degree, section 566.080;
Sexual abuse in the first degree, section 566.100;
Sexual abuse in the second degree, section 566.110;
Abuse of a child, section 568.060;
Robbery in the first degree, section 569.020;
Robbery in the second degree, section 569.030;
Arson in the first degree, section 569.040;
Arson in the second degree, section 569.050;
Other felonies equivalent to those listed above (consult Attorney General's Office).

(9) As to employees employed and having convictions before August 13, 1982, the appointing authority shall exclude them from client-care classifications for five (5) years following the dates they were convicted of felonious crimes against persons. For convictions after August 13, 1982, section (5) of this DOR applies.

(10) Appointing authorities may refuse to select an applicant for employment or volunteer, may transfer an employee (or volunteer) or may discharge an employee (or volunteer) if police security report or other verified information indicates that the applicant or employee has been convicted of a job-related felony (e.g., applicant or employee convicted of embezzlement should be disqualified from being an accountant).

(11) As set out in section 630.170, RSMo, appointing authorities shall seek removal from Merit System Register any person from working in the department if convicted of mistreatment of clients, section 630.155, RSMo; furnishing unfit food to clients, section 630.160, RSMo; or failing to report client abuse or neglect, section 630.165, RSMo.

(12) The appointing authority shall notify the department personnel officer and the Volunteer Services Director, when appropriate, when refusing to hire an applicant for employment or volunteer services, transferring an employee (or volunteer) or discharging an employee (or volunteer) because of conviction as set out in this DOR. The department personnel officer shall coordinate requests for removal from registers of any persons disqualified under this DOR or otherwise by law from working in the department.



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History: Original DOR Effective April 15, 1982. Amendment effective August 13, 1982. Amendment effective April 15, 1990. Amendment effective July 1, 1996. Amendment July 1, 2002. On July 1, 2003 the sunset date was extended to July 1, 2004.